

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

BOBBY GENE SHEPARD

PLAINTIFF

v.

Civil No. 04-2251

JO ANNE B. BARNHART, Commissioner
Social Security Administration

DEFENDANT

O R D E R

Now on this 25th day of January, 2006, comes on for consideration the **Magistrate Judge's Report and Recommendation** (document #8), in this matter, to which no objections have been made, and the Court, having carefully reviewed said Report and Recommendation, finds that it is sound in all respects, and that it should be adopted *in toto*.

IT IS THEREFORE ORDERED that the **Magistrate Judge's Report and Recommendation is adopted in toto**.

IT IS FURTHER ORDERED that, for the reasons stated in the Magistrate Judge's Report and Recommendation, the decision of the ALJ is **reversed** and this case is **remanded to the Commissioner for further consideration** pursuant to sentence four of 42 U.S.C. § 405(g).

/s/Jimm Larry Hendren
HON. JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE